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Electronically Filed - March 1, 2007

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In re:
USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS,
LLC,

Debtor.

JOINTLY ADMINISTERED
Chapter 11
Hearing Date: March 1, 2007
Hearing Time: 9:30 a.m.

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

Debtor.

**DECLARATION OF ARTHUR I. KRISS
IN SUPPORT OF MOTION FOR
LIMITED STAY PENDING APPEAL**

In re:
USA FIRST TRUST DEED FUND, LLC,

Debtor.

In re: USA SECURITIES, LLC,
Debtor.

Affects: All Debtors

I, ARTHUR I. KRISS, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan summary statement which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Trust Company of the Pacific
Custodian for ARTHUR I. KRISS, IRA.

Legal Vesting Name

By: Arthur I. Kriss
Name

2398 W 1050 N
HURRICANE, UT 84737

SEE ATTACHMENT A
TAPIA RANCH.

declaration

USA Commerical Mortgage Company ("USA")

as Loan Servicing Agent for

Tapia Ranch

10/1/2004 - 4/12/2006

ATTACH: A.

THIS STATEMENT REFLECTS THE STATUS THROUGH THE BANKRUPTCY PETITION DATE.
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

Vesting Name: Trust Company of the Pacific Custodian for Arthur I. Kriss IRA
Address: ARTHUR I KRISS IRA
C/O TRUST COMPANY PACIFIC CUSTODIAN
2398 W 1050 N
HURRICANE, UT 84737-3110

Client ID: 1418

Performance Evaluation: Non-Performing

1. Original Principal Investment	\$50,000
2. Principal Investment Assigned Out	0
3. Net Principal Investment	\$50,000
4. Principal Payments Made by Borrower to USA	\$0
5. Principal Payments Remitted by USA to Lender	0
6. Principal Payments Unremitted by USA to Lender	\$0
7. Interest Paid to USA by Borrower, net of service fee	\$6,180
8. Interest Remitted or Advanced by USA to Lender	6,962
9. Interest Due to (from) Lender	(\$781)
10. Unremitted Principal held in Collection Account	\$0 *
11. Interest Due to (from) Lender	(781)
12. Net Amount Currently Due to (from) Lender	(\$781)
13. Unremitted Principal not held in Collection Account	\$0
14. Interest Unpaid to USA by Borrower, net of service fee	\$1,217

* Undetermined at Filing

The interest amounts assume a simple interest calculation.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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Prepared by MFIM, LLC

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CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

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